

108TH CONGRESS  
1ST SESSION

# S. 1280

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## AN ACT

To amend the PROTECT Act to clarify certain volunteer liability.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AMENDMENT TO THE PROTECT ACT.**

2 Section 108 of the PROTECT ACT (Public Law  
3 108–21) is amended by adding at the end the following:

4 “(e) LIMITATION ON LIABILITY.—In connection with  
5 the Pilot Programs established under this section, in reli-  
6 ance upon the fitness criteria established under section  
7 108(a)(3)(G)(i), and except upon proof of actual malice  
8 or intentional misconduct, the National Center for Missing  
9 and Exploited Children, or a director, officer, employee,  
10 or agent of the Center shall not be liable in any civil action  
11 for damages—

12 “(1) arising from any act or communication by  
13 the Center, the director, officer, employee, or agent  
14 that results in or contributes to a decision that an  
15 individual is unfit to serve as a volunteer for any  
16 volunteer organization;

17 “(2) alleging harm arising from a decision  
18 based on the information in an individual’s criminal  
19 history record that an individual is fit to serve as a  
20 volunteer for any volunteer organization unless the  
21 Center, the director, officer, employee, or agent is  
22 furnished with an individual’s criminal history  
23 records which they know to be inaccurate or incom-  
24 plete, or which they know reflect a lesser crime than  
25 that for which the individual was arrested; and

1           “(3) alleging harm arising from a decision that,  
2           based on the absence of criminal history informa-  
3           tion, an individual is fit to serve as a volunteer for  
4           any volunteer organization unless the Center, the di-  
5           rector, officer, employee, or agent knows that crimi-  
6           nal history records exist and have not been furnished  
7           as required under this section.”.

Passed the Senate July 14, 2003.

Attest:

*Secretary.*

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